

REMARKS

In the Office Action, dated April 17, 2008, the Examiner states that Claims 1-67 are pending, Claims 51-67 are withdrawn and Claims 1-50 are rejected. By the present Amendment, Applicant amends the specification and the claims.

1. Objection to the Disclosure

The disclosure is objected to because the Office Action considers that it contains spacing, spelling and grammatical errors. Applicant has amended the abstract, claims, and the specification to delete these typographical errors. As such, Applicant respectfully requests withdrawal of the objection to the disclosure.

2. Rejection of Claims 1-4, 6, 7, 10-13, 15-16, 19-21, 24-25, 28-43 and 45-48 under 35 U.S.C. 102(e)

Claims 1-4, 6, 7, 10-13, 15-16, 19-21, 24-25, 28-43 and 45-48 are rejected under 35 U.S.C. 102(e) as anticipated by Kobayashi (US 2004/0043334) for the reasons of record. Applicant respectfully disagrees with and traverses this rejection.

Kobayashi was filed in the US on April 17, 2003, whereas the present application claims priority from JP 2002-249604, which was filed in Japan on August 28, 2002, and JP 2002-249608, which was filed in Japan on August 28, 2002. As such, the present application has an earlier priority date than the cited prior art. Moreover, attached herewith, please find certified translations of the priority documents.

Accordingly, Applicant respectfully requests withdrawal of the present rejection under 35 U.S.C. 102(e).

3. Rejection of Claims 1-4 and 6-7 under 35 U.S.C. 102(e)

Claims 1-4 and 6-7 are rejected under 35 U.S.C. 102(e) as anticipated by Watanabe (US 2003/023286) for the reasons of record. Applicant respectfully disagrees with and traverses this rejection.

Watanabe was filed in the US on January 17, 2003, whereas the present application claims priority from JP 2002-249604, which was filed in Japan on August 28, 2002, and JP 2002-249608, which was filed in Japan on August 28, 2002. As such, the present application has an earlier priority date than the cited prior art. Moreover, attached herewith, please find certified translations of the priority documents.

Accordingly, Applicant respectfully requests withdrawal of the present rejection under 35 U.S.C. 102(e).

4. Rejection of Claims 1-50 under 35 U.S.C. 103(a)

Claims 1-28 are rejected under 35 U.S.C. 103(a) as obvious over Kobayashi in view of Watanabe for the reasons of record. Applicant respectfully disagrees with and traverses this rejection.

As noted above, the present application has a priority date that predates both of the cited references and certified translations of the priority documents are submitted herewith. As such, Applicant respectfully requests withdrawal of the rejection of Claims 1-28 under 35 U.S.C. 103(a).

5. Double patenting rejection of Claims 1, 11, 20 and 29

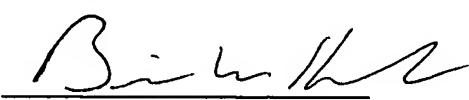
Claims 1, 11, 20 and 29 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1 and 2 of copending Application No. 10/417,516 for the reasons of record. A terminal disclaimer has been submitted herewith limit the maximum allowable patent term for a patent granted from the present application to the maximum allowable patent term for a patent granted from the copending Application No. 10/417,516. As such, Applicant respectfully requests withdrawal of the present rejection.

In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

Respectfully submitted,

October 16, 2008

Date


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